

**IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT  
OF ALABAMA, SOUTHERN DIVISION**

KELLEY FOODS OF ALABAMA, INC.,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION NO.
v.	)	1:04-cv-01246-MHT-DRB
	)	
MYERS NISSI & COMPANY, INC.; a	)	
corporation d/b/a VERTICALSOFT,	)	
	)	
Defendant.	)	

**MOTION TO WITHDRAW**

COME NOW Edward B. McDonough, Jr. and the law firm of Edward B. McDonough, Jr., P.C., one of the attorneys of record for Defendant, MYERS NISSI & COMPANY, INC., in the above styled cause, and move this Court to allow them to withdraw as such counsel and as grounds therefore show that one of the other attorneys for this Defendant, John M. Herke, was associated with the undersigned counsel for a brief period of time but has now returned to his former law firm in Metairie, Louisiana, Spyridon, Koch, Palermo & Dornan, LLC, who will continue to represent this Defendant in this matter.

s/Edward B. McDonough, Jr.  
EDWARD B. McDONOUGH, JR. (MCD020)  
One of the Attorneys for Defendant,  
MYERS NISSI & COMPANY, INC.

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of August, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record in this case.

s/Edward B. McDonough, Jr.

EDWARD B. McDONOUGH, JR.